

### **REMARKS**

Reconsideration of the present application is respectfully requested, wherein Claim 50 has been amended. Currently, Claims 29-50 are pending in the present application.

Claims 29-49 have been allowed. However, Claim 50 stands rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. As a result, Claim 50 has been amended to remove the noted informality. Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claim 50 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,616,787 to *Kirsten*. However, for the reasons set forth below, Applicant submit that each and every feature of Claim 50 is not identically disclosed in *Kirsten*.

Claim 50 defines a wear resistant band adapted to be mounted on an inner mounting surface of a rock crusher. The band comprises a curvilinear body forming an arc of at least 90 degrees and including a concave inner crushing surface and a convex outer surface. A distance from the inner surface to the outer surface defines a thickness of the band. The outer surface includes a groove extending towards the inner surface and stopping short of the inner surface to form a portion of reduced thickness in the body. The groove includes a dimension in a first direction intersecting the outer surface, and a dimension in a second direction extending circumferentially, wherein the dimension in the first direction is greater than the greatest dimension in the second direction. Each groove extends completely through the band in a third direction extending transversely relative to both of the first and second directions.

In contrast, *Kirsten* discloses a disk 2 with a rim or wear resistant band 3. As shown in Fig. 2, the band has a plurality of longitudinal grooves 27 on its outer surface an L-shaped inner surface adjoining the disk 2. *Kirsten* does not disclose a concave inner surface and a convex

outer surface. Nor does *Kirsten* disclose a groove extending from the outer surface towards the inner surface and stopping short thereof. In fact, the Examiner has failed to detail where each and every feature of the claimed invention is found in *Kirsten*, and merely states that "Figure 3 shows a band 3 with grooves that reads on the claimed subject matter". However, this general conclusion is not sufficient to establish anticipation. Moreover, it is clear from *Kirsten* that these features are not disclosed. Accordingly, it is submitted that the features of independent Claim 50 are not disclosed in the patent to *Kirsten*.

For at least the foregoing reasons, it is submitted that the wear band of independent Claim 50 is allowable over the art of record. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

In light of the foregoing, it is submitted that the application is in condition for allowance. Should the Examiner have any outstanding issues, the undersigned respectfully requests that she be contacted at the number indicated below.

Respectfully Submitted,

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